

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) [REDACTED]	GRADE SRA	AFSN/SSAN [REDACTED]
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TYPE UOTH	PERSONAL APPEARANCE	X	RECORD REVIEW					
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;">YES</td> <td style="width:10%;">No</td> <td rowspan="2" style="width:80%;">NAME OF COUNSEL AND OR ORGANIZATION</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>		YES	No	NAME OF COUNSEL AND OR ORGANIZATION		X	ADDRESS AND OR ORGANIZATION OF COUNSEL [REDACTED]	
YES	No	NAME OF COUNSEL AND OR ORGANIZATION						
	X							

MEMBER SITTING	TYPE OF DECISION				
	HON	GEN	UOTHC	OTHER	DENY
[REDACTED]		X			
[REDACTED]		X			
[REDACTED]		X			
[REDACTED]		X			
[REDACTED]		X			

ISSUES A67.50	INDEX NUMBER A94.06	EXHIBITS SUBMITTED TO THE BOARD
		1 ORDER APPOINTING THE BOARD
		2 APPLICATION FOR REVIEW OF DISCHARGE
		3 LETTER OF NOTIFICATION
		4 BRIEF OF PERSONNEL FILE
		COUNSEL'S RELEASE TO THE BOARD
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPE RECORDING OF PERSONAL APPEARANCE

HEARING DATE 24 Feb 2004	CASE NUMBER FD-2003-00526	
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Case heard at Washington, D.C.

Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR

[REDACTED]

TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00526

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: The Board grants partial relief. The discharge is upgraded to General.

The Board finds that neither the evidence of record nor that provided by applicant substantiates an impropriety that would justify a change of discharge. However, based upon the record and evidence provided by applicant, the Board finds the applicant's characterization inequitable.

ISSUE: Applicant contends discharge was inequitable because it was too harsh. The records indicated the applicant received an Article 15 and three Letters of Reprimand for financial irresponsibility and a missed appointment. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was Under Other Than Honorable Conditions (UOTHC). Based on the years of service and an otherwise outstanding career, the Board thought the UOTHC was too harsh and upgraded the characterization to General.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

However, in view of the foregoing findings, the Board further concludes that the overall quality of applicant's service is more accurately reflected by a General discharge. The applicant's characterization should be changed to General under the provisions of Title 10, USC 1553. The Reason for discharge will not change.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
 AIR FORCE DISCHARGE REVIEW BOARD
 ANDREWS AFB, MD

(Former SRA) (HGH SSGT)

MISSING DOCUMENTS

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 29 Jun 00 UP AFI 36-3208, para 5.50 (Pattern of Misconduct). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 9 Aug 71. Enlmt Age: 17 0/12. Disch Age: 28 10/12. Educ: HS DIPL. AFQT: N/A. A-81, E-82, G-76, M-58. PAFSC: 2E371 - Secure Communication Systems Craftsman. DAS: 6 Jul 98.

b. Prior Sv: (Examiner's Note: Some enlistment documents are missing from file).

(1) AFRes 2 Sep 88 - 19 Jun 89 (9 months 18 days) (Inactive).

(2) Enlisted as AB 20 Jun 89 for 4 yrs. Reenlisted as SrA 26 Jun 92 for 6 yrs. Svd: 8 yrs 2 months 8 days, all AMS. AMN - 20 Dec 89. A1C-(EPR Indicates): 20 Jun 89-19 Feb 91. SrA - 20 Jun 92. SSgt-(EPR Indicates): 3 Jun 96-2 Jun 97. EPRs: 5,5,5,5,4,5,5,5.

3. **SERVICE UNDER REVIEW:**

a. Reenlisted as SSgt 29 Aug 97 for 6 yrs. Svd: 2 Yrs 10 Mo 0 Das, all AMS.

b. Grade Status: SrA - 18 Apr 00 (Article 15, 18 Apr 00)

c. Time Lost: None.

d. Art 15's: (1) 18 Apr 00, Pentagon, Wash DC - Article 123a.

Specification 1: You, did in the continental United States, on divers occasions between on or about 16 Aug 99 and on or about 27 Aug 99, with intent to defraud and for the procurement of lawful currency or things of value, wrongfully and unlawfully utter to the Army and Air Force Exchange Service, certain checks for the payment of money, drawn upon the Pentagon Federal Credit Union and/or Wingspan Bank, of a total amount of \$1500.00 and signed by you, then knowing that you the maker thereof, did not or would not have sufficient funds in or credit with said bank for the payment of said checks in full upon their presentment.

Specification 2: You, did, at or near Suitland,

Maryland, on or about 14 Sep 99, with intent to defraud and for the procurement of lawful currency or things of value, wrongfully and unlawfully utter to Chexstop of America, certain checks for the payment of money, drawn upon the Pentagon Federal Credit Union, of a total amount of \$200.00 and signed by you, then knowing that you the maker thereof, did not or would not have sufficient funds in or credit with said bank for the payment of said checks in full upon their presentment.

Specification 3: You, did, at or near Keesler AFB, MS, on divers occasions, between on or about 3 Nov 99, and on or about 16 Nov 99 with intent to defraud and for the procurement of lawful currency or things of value, wrongfully and unlawfully utter to Keesler Clubs at Keesler AFB, MS, certain checks for the payment of money, drawn upon Wingspan Bank, of a total of \$500.00 and signed by you, then knowing that you the maker thereof, did not or would not have sufficient funds in or credit with said bank for the payment of said checks in full upon their presentment.

Article 134. Specification 1: You, did, in the Continental United States, on or about 29 Oct 99, make and utter to [REDACTED] Cleaning Service, a certain check, in words and figures as follows, to wit: Check# 123 for \$500.00, for the purchase of cleaning services, and did thereafter dishonorably fail to maintain sufficient funds in the Wingspan Bank for payment of such check in full upon its presentment for payment.

Specification 2: You, did, at or near Washington DC Metropolitan area, on or about 27 Sep 99, make and utter to [REDACTED] a certain check, in words and figures as follows, to wit: Check# 116 for \$200.00, in payment of a debt thereafter fail to maintain sufficient funds in the Wingspan Bank for payment of such check in full upon its presentment for payment.

Article 134. Specification 1: You, did, being indebted to USA Discounters in the sum of \$2380.32 for things of value, which amount became due and payable on or about 11 Jan 00, did, in the Continental United States from on or about 11 Jan 00, to on or about 24 March 00, dishonorably fail to pay said debt.

Specification 2: You, did, being indebted to Deferred Payment Plan(DPP) Service Center in the sum of \$187.00 for things of value, which amount became due and payable on or about 10 Jul 99, did, in the Continental United States, from on or about 10 Jul 99 to on or

about 24 Mar 00, dishonorably fail to pay said debt.

Specification 3: You, did, being indebted to Bank of America Government Services in the sum of \$2080.61 for things of value, which amount became due and payable from on or about 30 Oct 99 to on or about 28 Mar 00, dishonorably fail to pay said debt.

Article 86. You, did, at or near Wash DC, metropolitan area, on or about 15 Mar 00, without authority, fail to go at the time prescribed to your appointed place of duty. Reduction to SrA, 30 days extra duty, and a reprimand. (Appeal/Denied) (No mitigation)

- e. Additional: LOR, 29 FEB 00 - Missed appointment.
 LOR, 21 JAN 00 - Financial irresponsibility.
 LOR, 14 OCT 99 - Financial irresponsibility.

f. CM: None.

- g. Record of SV: 03 Jun 97 - 02 Jun 98 Incirlik AB 5 (Annual)
 03 Jun 98 - 02 Jun 99 Pentagon 5 (Annual)

(Discharged from Pentagon)

h. Awards & Decs: AFAM W/2 DEVS, AFCEM, AFLSAR W/1 DEV, AFTR, AFSM, AFOSSTR, AFOSLTR, NDSM, NCOPMER, AFOUA W/3 DEVS, AFGCM W/2 DEVS.

- i. Stmt of Sv: TMS: (11) Yrs (9) Mos (28) Das
 TAMS: (11) Yrs (0) Mos (10) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 10 Oct 03.
 (Change Discharge to Honorable)

Issue 1: I had an outstanding career and one set of unfortunate circumstances caused this discharge. I would like to have it upgraded to reflect the overall career.

ATCH

1. DD Form 214.

22DEC03/ia

the Pentagon Federal Credit Union and/or Wingspan Bank, then knowing that you would not have sufficient funds to pay.

You, did, at or near Suitland, Maryland, on or about 14 September 1999, with intent to defraud and for the procurement of lawful currency or things of value, wrongfully and unlawfully utter to Chextop of America, two checks totaling \$200.00, drawn upon the Pentagon Federal Credit Union, then knowing that you would not have sufficient funds to pay.

You, did, at or near Keesler AFB, Mississippi, on divers occasions, between on or about 3 November 1999 and on or about 16 November 1999, with intent to defraud and for the procurement of lawful currency or things of value, wrongfully and unlawfully utter to Keesler Clubs, five checks totaling \$500.00, drawn upon the Wingspan Bank, then knowing that you would not have sufficient funds to pay.

You did, in the continental United States, on or about 29 October 1999, make and utter to [REDACTED] Cleaning Service a worthless check for \$500.00.

You, did, at Washington DC, on or about 27 September 1999, make and utter to [REDACTED] a worthless check for \$200.00.

You, did, being indebted to USA Discounters in the sum of \$2380.32 for things of value, which amount became due and payable on or about 11 January 2000, did, in the continental United States, from on or about 11 January 2000 to on or about 24 March 2000, dishonorably fail to pay said debt.

You, did, being indebted to Deferred Payment Plan (DPP) Service Center in the sum of \$187.00 for things of value, which amount became due and payable on or about 10 July 1999, did, in the continental United States, from on or about 10 July 1999 to on or about 24 March 2000, dishonorably fail to pay said debt.

You, did, being indebted to Bank of America Government Services in the sum of \$2080.61 for things of value, which amount became due and payable from on or about 30 October 1999 to on or about 28 March 2000, dishonorably fail to pay said debt.

You, did at or near Washington DC, on or about 15 March 2000, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Bolling Air Force Base Family Support Center. For these offenses, you received nonjudicial punishment under Article 15, UCMJ, dated 18 April 2000 (Atch 5)

3. This action could result in your separation with an Under Other Than Honorable Conditions (UOTHC) discharge. I am recommending that you receive an Under Other Than Honorable Conditions (UOTHC) discharge. The commander exercising Special Court Martial jurisdiction, or a higher authority, will make the final decision in this matter. If you are discharged, you will be ineligible for reenlistment in the Air Force (and will

probably be denied enlistment in any component of the armed forces), and any special pay, bonus, or education assistance funds may be subjected to recoupment.

4. You have the right to:

- a. Consult legal counsel.
- b. Present your case to an administrative discharge board.
- c. Be represented by legal counsel at a board hearing.
- d. Submit statements in your own behalf in addition to, or in lieu of, the board hearing.
- e. Waive the above rights. You must consult legal counsel before making a decision to waive your rights.

5. You have been scheduled for a medical examination. You must report to Bolling AFB Physical Exams at 0800 hours, on 2 May 2000.

JUNE

6. Military legal counsel [REDACTED] AFB, [REDACTED] DSN 468-5852 has been obtained to assist you. Instead of the appointed counsel, you may have another, if the lawyer you request is in the active military service and is reasonably available as determined according to AFI 51-201. In addition to military counsel, you have the right to employ civilian counsel. The Air Force does not pay expenses incident to the employment of civilian counsel. Civilian counsel, if employed, must be readily available.

7. Confer with your counsel and reply, in writing within 7 workdays, specifying the rights you choose to exercise. The statement must be signed in the presence of your counsel who also will sign it. If you waive your right to a hearing before an administrative discharge board, you may submit written statements in your own behalf. I will send the statements to the discharge authority with the case file to be considered with this recommendation. If you fail to respond, your failure will constitute a waiver of the right to the board hearing.

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208, is available for your use in the unit orderly room.

9. If you request a board and you fail to appear without good cause, your failure to appear constitutes a waiver of your right to be present at the hearing.

10. Execute the attached acknowledgment and return it to me immediately.



Attachments:

1. Letter of Reprimand dtd 14 Oct 99
2. Letter of Reprimand dtd 21 Jan 00
3. Letter of Reprimand dtd 29 Feb 00
4. Control Roster/Unfavorable Information File (UIF)
5. AF Form 3070, Record of Nonjudicial Proceedings w/atchs, 18 Apr 00